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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,366	06/19/2001	Toshiya Ishio	1035-330	1077
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NIXON & VANDERHYE P.C.			EXAMINER	
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Arlington, VA 22201-4714			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Act in Summary - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION If the period for reply specified source is sas than shirtly (30) stays, a reply while the statemer, newere, may a reply so limitly with the statemer and with several stays and the state of the period stay and the state of the period stay and the state of the st		Application No.	Applicant(s)			
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a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	application from the International Bureau (PCT Rule 17.2(a)).					
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	Attachment(s)					

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1 – 10 , drawn to a semiconductor device, classified in class 257,

subclass 737.

II. Claims 11 - 16, drawn to a method of manufacture, classified in class 438,

subclass 106⁺.

The inventions of groups I and II are related as product made and process of

making. The inventions are distinct if either or both of the following can be shown: (1)

that the process as claimed can be used to make other and materially different product

or (2) that the product as claimed can be made by another and materially different

process (MPEP § 806.05(f)).

In the instant case, the inventions are distinct each from the other because the

semiconductor device as recited in Claim 1 could be made by a process that is

materially altered from the processes recited in Claims 11 and 14, in that the

semiconductor device of Claim 1 can be made by a materially altered process, as it can

be made without forming a semiconductor layer or a first insulating layer as is recited in

Claims 11 and 14, but not limitations of Claim 1.

Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction

for examination purposes as indicated is proper.

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Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Additionally, should Applicant elect Group II claims to be examined, Applicant is advised that this application is further restricted because it contains process Claims 11 – 16 directed to the following patentably distinct species of the claimed invention:

Embodiment 1 of Figures 2(a) - 2(f), and

Embodiment 2 of Figures 3(a) - 3(c).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Any inquiry concerning this communication should be directed to Patricia Costanzo at 703 305 5675 on Monday – Friday from 8:00 A.M. – 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful Supervisory Primary Examiner Tom Thomas can be reached at 703 308 2772.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist at 703 308 0956.

Papers may be faxed directly to Examiner at 703 745 2002.

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Using facsimile machines to transmit correspondence is encouraged. The official Technical Center 2800 before-final FAX number is 703 872 9318 and the after-final FAX number is 703 872 9319. These FAX numbers will provide the FAX sender with an auto-reply verifying receipt of their FAX by the United States Patent and Trademark Office.

If there should be a problem while faxing to the Office, please contact Technical Center 2800 Customer Service at 703 306 3329.

pmc July 17, 2002

TOM THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000